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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

IN RE WAL-MART WAGE AND HOUR
EMPLOYMENT PRACTICE LITIGATION

MDL 1735

THIS DOCUMENT RELATES TO:
ALL ACTIONS EXCEPT KING v.
WAL-MART STORES, INC., CASE NO.
07-1486-WY

2:06-CV-00225-PMP-PAL
(BASE FILE)

**PLAINTIFFS' MOTION THE FOR IMPOSITION OF SANCTIONS AGAINST
OBJECTOR FATIMA ANDREWS AND HER COUNSELS
JOHN PENTZ AND EDWARD COCHRAN**

**TO ALL PARTIES, OBJECTOR FATIMA ANDREWS AND HER ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that Co-Lead Counsel Robert Bonsignore together with the undersigned counsels (hereafter “Class Plaintiffs”) do hereby move this Court for the imposition of sanctions individually and jointly against Deponent Fatima Andrews and her Counsels John Pentz, Esq. and Edward Cochran, Esq. for the reasons set forth herein and as otherwise described in the accompanying memorandum of law and its attachments. Plaintiffs further request that this Court withhold its judgment and Orders until after it holds a hearing(s) and otherwise presents Andrews and her Counsels adequate opportunity to defend themselves. Plaintiffs request that the hearing(s) be scheduled and held on a date(s) to be set by the Court.

Plaintiffs in this consolidated MDL 1735 case, with the exception of *King v. Wal-Mart Stores, et al.*, Case No. 07-1486-WY, hereby move this Court to impose economic and non-economic sanctions against Fatima Andrews and her Counsels. Plaintiffs advance this Motion pursuant to Rule 37 of the Federal Rules of Civil Procedure and the District Court's inherent power to issue sanctions. Using her September 24, 2009 Objection, Fatima Andrews and her Counsels thwart the Plaintiff Class's formal attempts to take her deposition before the Record in MDL 1735 closed. *See* Docket no. 382. Andrews and her counsels, thereafter, willfully and knowingly violated a Court Order compelling her attendance at a deposition set for a date and at time certain that was issued by Judge Polster¹ (District of Ohio) as well as this Courts order allowing Plaintiffs request for expedited discovery. *See* Docket no. 448. Compounding their willful misconduct, Andrews and her Counsels failed to arrange for her for deposition before the record was closed.

In the accompanying memorandum, Plaintiffs establish that Objector Andrews and her Counsels knowingly and unfairly acted to obstruct the orderly administration of justice. The actions and inaction of Andrews and her Counsels caused the Plaintiffs to suffer ascertainable

¹ There is no dispute as to notice of Judge Polster's Order.

1 economic harm in an amount the amount of \$22,409.18. The Plaintiffs were also caused to
2 suffer irreparable non-economic harm.

3 This Motion is finds support in the following:

4 I. Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Imposition of
5 Sanctions Against Fatima Andrews and her Counsels John Pentz and
6 Edward Cochran

7 II. Attachments:

8 A. Ohio Order Granting Complaint for Discovery, October 9, 2009.

9 B. Subpoena of Fatima Andrews and Return of Process Server Clint
10 Massengale.

11 C. Objection to Class Action Settlement and Request for Attorneys' Fees and
12 Motion to Intervene of Objector Thomas and Marilyn Bell, Circuit Court
13 of Miller County, Arkansas, June 9th, 2006.

14 D. Cady Reporting Services, Inc. Invoice no. 972163

15 E. Process Server Invoice.

16
17 III. Affidavit of Robert Bonsignore in Support of Plaintiffs' Motion for
18 Appeal Bond for Objector Fatima Andrews.

19 A. John Pentz Chart of Objections.

20 B. Attempted Deposition of Fatima Andrews, October 12, 2009.

21 Wherefore, Plaintiffs respectfully request that this Court hold a hearing on a date to be set
22 by the Court for the purpose of providing an opportunity for Objector Andrews and her Counsels
23 John Pentz, Esq. and Edward Cochran, Esq to defend themselves against Plaintiffs request for
24 imposition of each of the sanctions set forth on pages 14-16 of the accompany Memorandum and
25 to further be compelled to submit to such a related examination under oath as this Court deems
26 just and reasonable and/or to otherwise act in a just and reasonable way.
27

28 Dated: February 10, 2010

s/ Robert J. Bonsignore
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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2010, a copy of the foregoing *Plaintiffs' Motion for Imposition of Sanctions Against Objector Fatima Andrews and Her Counsels John Pentz and Edward Cochran* was filed electronically [and served by mail on anyone unable to accept electronic filing]. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

/s/ Robert J. Bonsignore
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